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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,915	11/21/2001	Martin Mayer	A-3089	1297

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LERNER AND GREENBERG, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480

EXAMINER

NGUYEN, HOAI AN D

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

10/034,915

Applicant(s)

MAYER ET AL.

Examiner

Hoai-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The two German documents (DE19517154 and DE4401536) in the information disclosure statement filed on June 20, 2003 fail to comply with 37 CFR 1.98(a)(3) because the abstracts of those German patents are not considered as a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kipphan et al. (US 5,031,535) in view of Schramm et al. (US 4,200,932).

#### **Kipphan et al. teaches an offset printing press comprising:**

- Zonal ink metering devices (FIG. 1, ink-metering device 7)
- Ink metering rollers (FIG. 1, ink-duct roller 2)

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- Presetting values (ink-gap openings) for zonal ink metering devices and for ink metering rollers acting over a printing width derived from zonal area coverage values (zonal ink demands) and an ink stripe width (Column 2, lines 37-45).

**However, Kipphan et al. does not specifically teach the following:**

- Deriving presetting values for zonal ink metering devices and for ink metering rollers acting over a printing width from a set value for a weight per unit area of a full tone area.
- Deriving the presetting values by additionally taking into account a respective specific weight of given ones of the plurality of printing inks.

**Meanwhile, Schramm et al. discloses an offset printing press using a method of:**

- Deriving presetting values for zonal ink metering devices and for ink metering rollers acting over a printing width from a set value for a weight per unit area (density) of a full tone area (Column 3, lines 42-68 and Column 4, lines 17-56).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Kipphan et al. to incorporate the teaching of a set value for a weight per unit area (density) of a full tone area taught by Schramm et al. since Schramm et al. teaches that such an arrangement is beneficial to ensure the correct ink application and/or color adjustment in the entire range of the respective color zone. This modification results in the presetting values being based on a respective specific weight of the ink.

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kipphan et al. in view of Schramm et al. as applied to claim 1 above, and further in view of Kipphan et al. (US 6,041,708).

**Kipphan et al. (US 5,031,535) in view of Schramm et al. teach all that is claimed, except for the following:**

- Determining the set value for the weight per unit area by using a test print wherein a spectral color measurement value of the test print corresponds to the set value for the weight per unit area.

**However, Kipphan et al (US 6,041,708) teaches a printing press deriving:**

- The set value for the weight per unit area (density) by using a test print wherein a spectral color measurement value of the test print corresponds to the set value for the weight per unit area (Column 3, lines 12-42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Kipphan et al. and Schramm et al. to incorporate the teaching of a spectral color measurement value of the test print taught by Kipphan et al. (US 6,041,708) since Kipphan et al. teaches that a spectral color measurements in each test area is beneficial to determine the deviations of the spectral reflection used for inking.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kipphan et al. in view of Schramm et al. as applied to claim 1 above, and further in view of Maier et al. (US 5,170,711).

**Kipphan et al. (US 5,031,535) in view of Schramm et al. teach all that is claimed, except for the following:**

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- Deriving presetting values for a special ink to be used for printing by using correction factors for presetting values provided for a base ink.

**However, Maier et al. teaches a printing press deriving:**

- Presetting values for a special ink to be used for printing by using correction factors for presetting values provided for a base ink (Column 2, lines1-56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Kipphan et al. and Schramm et al. to incorporate the teaching of using correction factors taught by Maier et al. since Maier et al. teaches that using correction factors is beneficial to optimize the dynamics of ink flows and the amount of ink required in individual colors or in ink zones.

### ***Response to Arguments***

6. Applicant's arguments filed on June 20, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

As known in the art, the color density is controlled via ink density of the individual inks. Therefore, it would have been obvious to one having ordinary skill in the art at the time the

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invention was made to modify the invention of Kipphan et al. to incorporate the teaching of a set value for a weight per unit area (density) of a full tone area taught by Schramm et al. since Schramm et al. teaches that such an arrangement is beneficial *to ensure the correct ink application and/or color adjustment* in the entire range of the respective color zone. This modification results in the presetting values being based on a respective specific weight of the ink.

The Applicant correctly stated that the Schramm reference discloses a color density. The color density does not have the units of N/m<sup>2</sup> and therefore cannot be identified as "weight per unit area." However, the Applicant incorrectly assumed that "a person of ordinary skill in the art cannot find any teaching in Schramm that starting from color density, the "weight per unit area" can be inferred."

As will be explained below, it is believed that in order to reach a desired color density, a person of ordinary skill in the art first has to determine a desired ratio of ink densities of the individual inks. For example, a light green and a dark green have different ink density ratios of blue ink and yellow ink. In other words, the color density is controlled via ink density of the individual inks. To support this, the Applicant is advised to read the Dilling reference (US 6,230,622), especially column 7, lines 49-67. Therefore, it is believed that there are some technical teachings in Schramm pertaining to the mass or weight of the printing ink.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

#### **CONTACT INFORMATION**

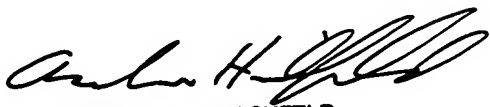
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoai-An D. Nguyen whose telephone number is (703) 305-3343. The examiner can normally be reached on M-F (8:00 - 5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Hoai-An D. Nguyen  
Examiner  
Art Unit 2854

HADN  
July 10, 2003

  
**ANDREW H. HIRSHFELD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**